

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

TANZI *et al.*

Appl. No. To be assigned
(DIV of Appl. No. 09/148,503)

Filed: Herewith (August 10, 2001)

For: **An Alpha-2-Macroglobulin
Diagnostic Test**

Confirmation No. N/A

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 0609.4460004/JAG/HLK

**Authorization To Treat A Reply As Incorporating An Extension Of
Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Heidi L. Kraus

Attorney for Applicants
Registration No. 43,730

Date: August 10, 2001

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

Please type a sign (+) inside this box → ☐

PTO/SB/05 (03-01)

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No. 0609.4460004/JAG/HLK
First Inventor Rudolph E. TANZI
Title An Alpha-2-Macroglobulin Diagnostic Test
Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 57]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. ☒ Oath or Declaration [Total Pages 3]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☒ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program
(Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Authorization under 37 C.F.R. § 1.136(a)(3); Letter to Draftsman; Formal drawings (3 sheets, Figures 1, 2A-2D & 3)
☒ Other: The name of the assignee is: The General Hospital Corporation

J1033 U.S. PTO
09/925313
08/10/01

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-Part (CIP) of prior application No: 09/148,503
Prior application information: Examiner: Lisa Arthur Group/Art Unit: 1655

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label
Customer No. 26111

or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

NAME		STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.			
		Attorneys at Law			
ADDRESS					
CITY		STATE		ZIP CODE	
COUNTRY		TELEPHONE		FAX	
NAME (Print/Type)	Heidi L. Kraus			Registration No. (Attorney/Agent)	43,730
SIGNATURE	<u>Heidi L. Kraus</u>			Date	<u>8/10/01</u>

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231. SKGF Rev 3/29/01 mac

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number	To be assigned
Filing Date	Herewith (August 10, 2001)
First Named Inventor	Rudolph E. Tanzi
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	0609.4460004/JAG/HLK

TOTAL AMOUNT OF PAYMENT (\$355.00)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number: 19-0036
Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed: Check No. 32178

- ☒ Check ☐ Credit card ☐ Money Order ☒ Other*

*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	355.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1) (\$)					355.00

2. EXTRA CLAIM FEES

2. EXTRA CLAIM FEES				Extra	Fee from below	Fee Paid
Total Claims	<u>10</u>	- 20** =	<u>0</u>	X	<u> </u>	= <u>0.00</u>
Indep. Claims	<u>2</u>	- 3** =	<u>0</u>	X	<u> </u>	= <u>0.00</u>
Multiple Dependent					<u> </u>	= <u>0.00</u>

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
108	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)				(\$)	0.00
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** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

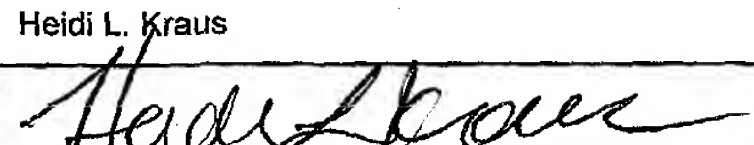
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify):					
Other fee (specify):					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Heidi L. Kraus	Registration No. (Attorney/Agent)	43,730	Telephone	202-371-2600
Signature				Date	8/10/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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SKGF Rev. 11/13/00 mnac

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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08/10/01

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A

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*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

August 10, 2001

WRITER'S DIRECT NUMBER:

(202) 789-5511

INTERNET ADDRESS:

HKRAUS@SKGF.COM

Commissioner for Patents
Washington, D.C. 20231

Box Patent Application

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)
(Divisional of 09/148,503; Filed: September 4, 1998)
Appl. No. To be assigned; Filed: Herewith (August 10, 2001)
For: **An Alpha-2-Macroglobulin Diagnostic Test**
Inventors: TANZI *et al.*
Our Ref: 0609.4460004/JAG/HLK

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Fee Transmittal (Form PTO/SB/17) (*in duplicate*);
2. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
3. Application Data Sheet Under 37 C.F.R. § 1.76;
4. U.S. Utility Patent Application entitled:

An Alpha-2-Macroglobulin Diagnostic Test

09/925313-004001

Commissioner for Patents

August 10, 2001

Page 2

and naming as inventors:

Rudolph E. TANZI, and
Deborah L. BLACKER

the application consisting of:

- a. A specification containing:
 - i. **51** pages of description prior to the claims;
 - ii. **5** pages of claims (**32** claims);
 - iii. a one (1) page abstract;
 - b. **3** sheets of drawings: (Figures **1, 2A-2D and 3**); and
 - c. A paper copy of a sequence listing;
 - d. A computer readable copy of the sequence listing. In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same;
5. Preliminary Amendment and Statement Under 37 C.F.R. § 1.63(d)(2) Deleting Inventor;
 6. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3) (*in duplicate*);
 7. Letter to PTO Draftsman: Submission of Formal Drawings (*in duplicate*);
 8. Formal drawings (3 sheets, Figures 1, 2A-2D and 3);
 9. A copy of the Declaration for Patent Application executed by Rudolph E. Tanzi, as originally filed in U.S. Appl. No. 09/148,503 (3 pages);
 10. A copy of the Declaration for Patent Application executed by Deborah L. Blacker, as originally filed in U.S. Appl. No. 09/148,503 (3 pages);

09/148,503

Commissioner for Patents

August 10, 2001

Page 3

11. A copy of the executed Power of Attorney from Assignee as filed in U.S. Appl. No. 09/148,503;
12. A Certificate under 37 C.F.R. § 3.73(b) from Assignee with a copy of the Assignment attached;
13. Two (2) return postcards; and
14. Our Check No. **32178** for **\$355.00** to cover:

\$355.00 Filing fee for patent application.

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Heidi L. Kraus
Attorney for Applicants
Registration No. 43,730

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

08/13/2001 ANABI1 00000050 09925313

01 FC:201

355.00 OP

PTO-1556
(5/87)

*U.S. GPO: 1999-459-082/19144